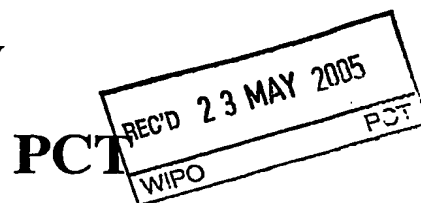


# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:  
JAMES V. COSTIGAN  
HEDMAN & COSTIGAN, P.C.  
1185 AVENUE OF THE AMERICAS  
NEW YORK, NY 10036



## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing (day/month/year) <b>20 MAY 2005</b>	
Applicant's or agent's file reference <b>181-046 PCT</b>	
<b>FOR FURTHER ACTION</b> See paragraph 2 below	
International application No. <b>PCT/US05/02269</b>	International filing date (day/month/year) <b>24 January 2005 (24.01.2005)</b>
Priority date (day/month/year) <b>24 January 2004 (24.01.2004)</b>	
International Patent Classification (IPC) or both national classification and IPC <b>IPC(7): C09J 05/02; B32B 07/12 and US Cl.: 156/308.8, 314, 317, 324.4, 336; 428/350</b>	
Applicant <b>DRONZEK JR., PETER J.</b>	

**1. This opinion contains indications relating to the following items:**

- ☒ Box No. I      Basis of the opinion
- ☐ Box No. II      Priority
- ☐ Box No. III      Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV      Lack of unity of invention
- ☒ Box No. V      Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI      Certain documents cited
- ☒ Box No. VII      Certain defects in the international application
- ☐ Box No. VIII      Certain observations on the international application

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.  
For further options, see Form PCT/ISA/220.

**3. For further details, see notes to Form PCT/ISA/220.**

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer Blaine Copenheaver Telephone No. 703-308-0661
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WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US05/02269

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
☐ This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material  
☐ a sequence listing  
☐ table(s) related to the sequence listing
  - b. format of material  
☐ in written format  
☐ in computer readable form
  - c. time of filing/furnishing  
☐ contained in international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
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International application No.  
PCT/US05/02269

**Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims <u>5-15</u>	YES
	Claims <u>1-4, 16, 17</u>	NO
Inventive step (IS)	Claims <u>NONE</u>	YES
	Claims <u>5-15</u>	NO
Industrial applicability (IA)	Claims <u>1-17</u>	YES
	Claims <u>NONE</u>	NO

**2. Citations and explanations:**

Claims 1-4 lack novelty under PCT Article 33(2) as being anticipated by Mallik. Mallik teaches the claimed process for applying a label including the particular adhesive and reactivating steps.

Claim 16 lacks novelty under PCT Article 33(2) as being anticipated by Gilbert. Gilbert teaches the claimed adhesive composition including animal glue and synthetic polymer.

Claim 17 lacks novelty under PCT Article 33(2) as being anticipated by Droznek. Droznek teaches the claimed activator composition including water and crosslinker.

Claims 1-17 lack an inventive step under PCT Article 33(3) as being obvious over Droznek in view of any one of Mallik, Gilbert, or Needles. Droznek discloses the labeling method substantially as claimed including the use of a hydrophilic adhesive. However, Droznek is silent as to animal glue as the hydrophilic adhesive it being noted Droznek is not limited to any particular hydrophilic adhesive. Mallik, Gilbert, and Needles are exemplary of the use of animal glue (a hydrophilic adhesive) including additional synthetic polymer and/or crosslinker in processes substantially the same as that taught by Droznek. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use as the hydrophilic adhesive taught by Droznek a well known hydrophilic adhesive such as animal glue used in the same art as shown for example by any one of Mallik, Gilbert, or Needles as only the expected results would be achieved.

Claims 1-17 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

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**Box No. VII Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

Claim 6 is objected to under PCT Rule 66.2(a)(iii) as containing the following defect(s) in the form or contents thereof: Claim 6 is a duplicate of claim 5.

Claims 7 and 8 are objected to under PCT Rule 66.2(a)(iii) as containing the following defect(s) in the form or contents thereof: Claims 7 and 8 refer to "water based activator". However, the word "activator" should be changed to "adhesive" to correspond to the independent claim.